

REMARKS

Claim 6 has been amended herein. Claims 18-20 have been added. Claims 1-20 are now pending in the Application. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

Rejections Pursuant To 35 U.S.C. § 112

In the Action, claim 6 was rejected pursuant to 35 U.S.C. § 112, second paragraph. It was asserted in the Action that claim 6 was indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

Applicants respectfully disagree with the assertion in the Action that claim 6 is an improper dependent claim. The Office has granted numerous patents with “computer readable media” dependent claims corresponding to claim 6. Examples include: claim 19 of U.S. Patent No. 6,676,018; claim 12 of U.S. Patent No. 6,672,505; claim 24 of U.S. Patent No. 6,470,326; and claim 16 of U.S. Patent No. 6,457,640.

Nevertheless, even though claim 6 as originally presented is believed to satisfy the statutory mandate, Applicants have amended claim 6 to be in independent form. The amendment presented herein does not narrow the scope of the claim. It is respectfully submitted that all the pending claims are sufficiently definite and that the rejection pursuant to 35 U.S.C. § 112 should be withdrawn.

The Pending Claims Are Not Anticipated or Obvious in View of the Applied Art

Claims 1 and 3-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by Drummond, et al. U.S. Publication No. 2001/0014881 (“Drummond”).

Claims 7-8 and 11-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond in view of Fischer, et al. U.S. Patent No. 5,978,650 (“Fischer”).

Claims 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond in view of Fischer and further in view of Laybourn, et al. U.S. Patent No. 6,480,710 (“Laybourn”).

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond in view of Laybourn.

These rejections are respectfully traversed.

Drummond Reference is not Prior Art under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a)

As indicated on page 1 of the Specification and on the Official Filing Receipt, the present application is entitled to (and claims the benefit of) the October 4, 2000 filing date of provisional application serial No. 60/237,812. The filing date for this provisional application is earlier than the August 16, 2001 publication date of Drummond. Thus, Drummond cannot constitute prior art with respect to the present invention pursuant to 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a). It follows that the rejections of claims 1-11 based fully or in part on Drummond are not valid and should be withdrawn.

Further, inventors for the present application, namely Jay Paul Drummond and Mark D. Smith are among the inventors for the Drummond reference. Thus the Drummond reference will not qualify as prior art under 102 (e).

In addition, the present application and the Drummond reference, at the time the invention of the present Application was made, were owned by the by the same entity or subject to an obligation of assignment to the same entity, namely Diebold, Incorporated. It follows that under 35 U.S.C. § 103(c) the Drummond reference is also disqualified from being used in a rejection under 35 § U.S.C. 103(a) against the claims of the present application.

The New Claims

Claim 18 is a new independent method claim which generally corresponds to claim 7. Claims 19 and 20 depend from claim 18. Support for claims 18-20 is found in the Specification, Drawings, and original claims. No new matter has been added. These claims recite features and relationships recited in the original claims and are allowable for at least the same reasons.

Additional Comments

Applicants also request acknowledgment of their claim for domestic priority. This application claims benefit pursuant to 35 U.S.C. § 119(e) of provisional application 60/237,812 filed October 4, 2000.

Additional Claim Fees

Please charge the fees associated with prosecution of one additional independent claim (\$86) and any other fee due, to Deposit Account No. 09-0428 of InterBold.

Conclusion

The applied reference of Drummond does not qualify as prior art. All of the pending claims are allowable on this basis. Allowance of all of Applicants' pending claims is therefore respectfully requested. The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
231 South Broadway
Medina, Ohio 44256
(330) 721-0000